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10/626,683

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EXAMINER

FERTIG, BRIAN E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/626,683 | Applicant(s) LAWRENCE, DAVID | |
| | Examiner BRIAN FERTIG | Art Unit 3694 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/17/2008 has been entered.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

3. This application is claiming the benefit of provisional applications No. 60/390,459, filed June 20, 2002 and 60/398,459, filed July 24, 2002 under 35 U.S.C. 119(e). However, this application was not filed within twelve months from the filing date of the provisional application, and there is no indication of an intermediate nonprovisional application that is directly claiming the benefit of the provisional application and filed within 12 months of the filing date of the provisional application.

Note: If the day that is 12 months after the filing date of the provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the

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nonprovisional application claiming the benefit of the provisional application may be filed on the next succeeding business day.

4. Applicant is required to delete the reference to the prior-filed provisional application from the first sentence(s) of the specification or the application data sheet, depending on where the reference was originally submitted, unless applicant can establish that this application, or an intermediate nonprovisional application, was filed within 12 months of the filing date of the provisional application.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-2, 4-10 and 12-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 1, 33, and 34

These claims are directed to gaming industry risk management methods, systems, and code embodied on computer readable medium. As such, they contain limitations directed to the abstract idea of risk. The courts have judicial exceptions to statutory subject matter for inventions incorporating abstract ideas. However, if the invention can be shown to provide a useful, tangible, and concrete result, the invention is directed to a practical application of the judicial exception, and would be statutory.

The present invention, however, fails to produce a concrete result. The result of the invention is “a risk quotient comprising a quantitative value of an amount of Gaming Industry related Risk” and “a report comprising data descriptive of the informational artifacts associated with the at least one Gaming Industry entity associated with the Financial Transaction.”

The risk quotient is generated through a process that includes associating steps and a determining step. These steps have not been positively recited as being performed by a computer, and therefore read on a human being applying their subjective judgment in the performance of the association and determining steps. Because human judgment will differ from person to person, the result of these steps will differ, thus causing the resulting risk quotient to vary from person to person. As such, the resulting risk quotient fails to be concrete, making the overall result of the method (i.e. the risk quotient and report) lack the required concreteness.

Further, the risk quotient does not appear to be included in the report or otherwise output. As such, the risk quotient fails to be useful since, as claimed, is not more than a number within the invention.

The report, as claimed, is no more than a display of informational artifacts gathered without any apparent processing. As such, the report does not suffer from the concreteness and usefulness deficiency of the risk quotient above, but does render the informational artifacts non-functional descriptive material when considered in the context of the report.

To the extent supported by Applicants specification, Examiner respectfully suggests positively performing the associating and determining steps of the risk quotient generation by the computer, so as to potentially resolve the concreteness issue and to positively include the risk quotient in the generated report so as to potentially resolve the usefulness issue. This suggesting is meant as an example only and is not meant to convey allowable subject matter.

With respect to claims 2, 4-10 and 12-32

These claims are rejected for incorporating the subject matter rejected above.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

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F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

8. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

9. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1, 33, and 34 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 32, 33, and 34 of copending Application No. 10/633,080, claims 1, 10, 20, and 21 of copending Application No. 10/456,000, and claims 1, 12, 17, and 21 of copending Application No. 10/464,601. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only substantial difference between the claims is the industry to which the invention is applied.

11. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-2, 4-5, 7,9, 13-14, 18-28, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,940,812 to Tengel (Tengel) in view of Dave Berns's article, Resort Owners Seek Loans, Los Vegas Review Journal, Nov 16, 1999, pg 1.D (Berns).

With respect to claims 1

Tengel Teaches:

A computer-implemented method for managing risk related to the Gaming Industry, the method comprising:

indicating in a computer system that a risk entity's status (see col 6, lines 35-37, note the use of property criteria)

receiving into the computer system data descriptive of informational artifacts with content related to at least one of: reputational risk, legal risk, regulatory risk; and risk related to monetary costs to defend an adverse position (see col 5, line 27-col 6, line 45 , note that the loan acceptance criteria set by the lender include trade entry, current years in residence, self-employment status, credit limit, CLTV. Note that these refer to characteristics of the borrower);

receiving data into the computer system data descriptive of a Financial Transaction wherein the data received comprises identification data for at least one entity associated with the Financial Transaction (see col 5, lines 20-27, note that product type is input);

associating at least one informational artifact related to the at least one entity associated with the Financial Transaction and at least one of: reputational risk, legal risk, regulatory risk; and risk related to monetary costs to defend an adverse position with the at least one entity associated with the Financial Transaction (see col 6, lines 46-61, note that weighting factors are assigned, thus creating the association between the financial transaction and the risks);

generating a risk quotient comprising a quantitative value of an amount of Risk (i.e. overall weighted score, see col 6, lines 46-62), wherein calculating the risk quotient criteria comprises a value determined by the steps of:

associating a numerical weight with each of a plurality of risk variables (see col 6, lines 46-61, note that weighting factors are assigned);

associating one or more of the risk variables with the data descriptive of details of a Financial Transaction (see col 6, lines 46-61, note that weighting factors are assigned, thus

creating the association between the financial transaction and the risks);

determining a numerical value based upon the content of the data descriptive of details of a Financial Transaction associated with the one or more risk variables (see col 6, lines 46-61 note the calculation of the overall weighted score); and

multiplying the numerical value based upon the content by the numerical weight associated with each of the risk variables associated with the data descriptive of details of a Financial Transaction (see col 6, lines 46-61, note the score is a weighted score); and

generating a report comprising data descriptive of the informational artifacts associated with the at least one entity associated with the Financial Transaction (see col 10, lines 14-19, note the loan application, see also col 10, line 57-col 11, line 10, note the information generated for lenders to know more about the current loan market).

Tengel does not explicitly teach:

indicating in a computer system that a risk subject is a Gaming Industry entity according to the entity's status comprising at least one of: a provider of gambling activities; a gambling facility; a gambling facility

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operator; an employee of a gambling facility operator; and a provider of services outsourced from a gambling facility operator;

the application of the invention to the Gaming Industry

Berns teaches:

indicating in a computer system that a risk subject is a Gaming Industry entity according to the entity's status comprising at least one of: a provider of gambling activities; a gambling facility; a gambling facility operator; an employee of a gambling facility operator; and a provider of services outsourced from a gambling facility operator (see pg 1, note that Resort operates a casino and is seeking loans);

the application of the invention to the Gaming Industry (see pg 1, note that Resort operates a casino and is seeking loans)

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Tengel with the teaching that the Gaming Industry seeks loans in order to have provided Gaming Industry with a means to efficiently and effectively match the best loans available against a borrower's attributes as taught explicitly by Tengel (see col 2, lines 25-32).

With respect to claim 2

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the Financial Transaction comprises a financial investment in at least one of: a gambling

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facility and a gambling facility operator (see Berns, pg 1, note that Resort operates a casino and is seeking loans).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 4

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the risk quotient comprises an indication of a cost to defend an adverse position (see Tengel, col 6, lines 20-27, note the criteria including the years since resolution of bankruptcy and lien position).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 5

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the risk quotient comprises an indication an amount of reputational risk (see Tegel col 5, lines 29-36, note the teaching of current years in residence and years with present employer, suggesting reputational risk in so far as a borrowers historical performance is used as a basis for determining the amount of risk that borrower presents).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 7

Tengel in view of Berns teaches:

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The method of claim 1 wherein the risk quotient comprises an indication of an amount of legal risk (see Tengel, col 6, lines 17-20, note the teaching of any judgments).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 9

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the data descriptive of informational artifacts comprises data descriptive of one or more world events which is received via a news feed (see col 8, line 66-col 9, line 23, note that information is compared to information received from the credit bureau).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 13

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) additionally comprising the step of generating a suggested action based upon the risk quotient and at least some of the structured data referenced to calculate the risk quotient (see col 9, lines 55-69, note that a list of the “best” loans is presented to the borrower).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 14

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the data descriptive of informational artifacts comprises data descriptive of a person

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employed by a Gaming Industry entity (see Tengel col 5, lines 29-44 in combination with Berns pg 1, note that Tengel teaches the collection of personal details).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 18

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the report comprises a record of conviction of an employee or owner of a Gaming Industry facility (see col 6, lines 20-24 teaching legal judgments involving the borrower).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 19

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the report comprises data descriptive of at least one of: fines levied against a Gaming Industry facility and complaints filed against the facility (see col 6, lines 20-24 teaching legal judgments involving the borrower).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 20

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the report comprises one or more sources of the data descriptive of informational artifacts (see Tengel, col 6, lines 46-61, col 8, lines 37-49, and col 11, lines 10-21 note

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that the report is formed from inputs from borrowers, lenders, and credit reporting agencies).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 21

Tengel in view of Berns teaches:

The method of claim 20 (see rejection of claim 20 above) wherein the source comprises an investigation firm (i.e. credit bureau, see Tengal col 11, lines 10-21).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 22

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) additionally comprising the step of transmitting an image of a document comprising data associated with the Financial Transaction (see Tengal col 8, lines 37-49 and col 10, lines 14-19, note that the loan application is transmitted).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 23

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein report does not comprise any content created or developed by a provider of the system implementing the method for managing risk associated with the Gaming Industry (see Tengal, col 6, lines 46-61, col 8, lines 37-49, and col 11, lines 10-21 note

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that the report is formed from inputs from borrowers, lenders, and credit reporting agencies, not the system operator).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 24

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) additionally comprises the steps of:

receiving a request for an alert (see Tengal, col 10, lines 57-65);

monitoring the data descriptive of informational artifacts (see

Tengel, col 10, lines 57-col 11, line 10, note that it is fairly suggested that the data descriptive information is monitored since results are sent back to the lender); and

transmitting a notification of new information received associated with a particular Gaming Industry risk subject (see Tengal col 10, line 6—col 11, line 10, note that the information is transmitted to the lender).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 25

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the data descriptive of informational artifacts is received into a risk management clearinghouse (see Tengal, col 7, lines 20-22, note that the information is stored in a database).

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(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 26

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the data descriptive of details of a Financial Transaction is received by a proprietary risk management system. (see Tengal, col 7, lines 20-22, note that the information is stored in a database, note that the database is proprietary in so far as it is a part of the loan originator apparatus).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 27

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein at least one of: the data descriptive of informational artifacts and the data descriptive of details of a Financial Transaction; comprise data provided by a Gaming Industry facility provider (see Tangel col 8, lines 50-59, note that the borrower fills out the application).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 28

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) additionally comprising the step of enhancing the data descriptive of informational artifacts (see Tengal,

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col 8, line 66-col 9, line 22, note the augmentation with credit bureau information).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 30

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) additionally comprising the step of augmenting at least one of: the data descriptive of informational artifacts and the data descriptive of details of a Financial Transaction; via data mining (see Tengal, col 8, line 66-col 9, line 22, note the augmentation with credit bureau information).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 31

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above) wherein structuring the data descriptive of informational artifacts and the data relating details of the Financial Transaction according to risk quotient criteria comprises processes based upon Boolean logic (see Tengal 6, lines 46-61, note that the lenders can assign ranges of acceptable criterion, thus fairly suggesting Boolean criterion of greater or less than).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 32

Tengel in view of Berns teaches:

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The method of claim 1 (see rejection of claim 1 above) wherein structuring the data descriptive of informational artifacts and the data relating details of the Financial Transaction according to risk quotient criteria comprises relevance ranking (See Tengel col 6, lines 46-61, note that lenders assign a weighting factor).

(see rationale supporting obviousness and motivation to combine of claim 1 above).

With respect to claim 33

Tengel in view of Berns teaches:

A computerized system for managing risk associated with the Gaming Industry, the system comprising:

a computer server accessible with a system access device via a communications network (see Tengel, col 4, line 65- col 5, line 11 and fig 1, note that server terminal coupled to the telecommunications network and lender and consumer terminals); and

executable software stored on the server and executable on demand, the software operative with the server to cause the system to:

indicate in a computer system that a risk subject is a Gaming Industry entity according to the entity's status comprising at least one of: a provider of gambling activities; a gambling facility; a gambling facility operator; an employee of a gambling facility operator; and a provider of services outsourced from a gambling

facility operator (see Tengel col 6, lines 35-37, in combination with Berns pg 1);

receive into the computer system data descriptive of Gaming Industry related informational artifacts with content related to at least one of: reputational risk, legal risk, regulatory risk; and risk related to monetary costs to defend an adverse position (see Tengel col 5, line 27-col 6, line 45, note that the loan acceptance criteria set by the lender include trade entry, current years in residence, self-employment status, credit limit, CLTV. Note that these refer to characteristics of the borrower);

receive data into the computer system data descriptive of a Financial Transaction wherein the data received comprises identification data for at least one Gaming Industry entity associated with the Financial Transaction (see Tengel col 5, lines 20-27, note that product type is input);

associate at least one informational artifact related to at least one of: reputational risk, legal risk, regulatory risk; and risk related to monetary costs to defend an adverse position with the at least one Gaming Industry entity associated with the Financial Transaction (see Tengel col 6, lines 46-61, note that weighting factors are assigned, thus creating the association between the financial transaction and the risks);

generate a risk quotient comprising a quantitative value of an amount of Gaming Industry related Risk (i.e. overall weighted score, see Tengel col 6, lines 46-62), wherein calculating the risk quotient criteria comprises a value determined by the steps of:

associating a numerical weight with each of a plurality of risk variables (see Tengel col 6, lines 46-61, note that weighting factors are assigned);

associating one or more of the risk variables with the data descriptive of details of a Financial Transaction (see Tengel col 6, lines 46-61, note that weighting factors are assigned, thus creating the association between the financial transaction and the risks);

determining a numerical value based upon the content of the data descriptive of details of a Financial Transaction associated with the one or more risk variables (see Tengel col 6, lines 46-61 note the calculation of the overall weighted score); and

multiplying the numerical value based upon the content by the numerical weight associated with each of the risk variables associated with the data descriptive of details of a Financial Transaction (see Tengel col 6, lines 46-61, note the score is a weighted score); and

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generate a report comprising data descriptive of the informational artifacts associated with the at least one Gaming Industry entity associated with the Financial Transaction (see Tengel col 10, lines 14-19, note the loan application, see also Tengel col 10, line 57-col 11, line 10, note the information generated for lenders to know more about the current loan market).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 34

Tengel in view of Berns teaches:

Computer executable program code residing on a computer-readable medium, the program code comprising instructions for causing the computer to:

receive into the computer system data descriptive of Gaming Industry related informational artifacts with content related to at least one of: reputational risk, legal risk, regulatory risk; and risk related to monetary costs to defend an adverse position (see Tengel col 5, line 27-col 6, line 45, note that the loan acceptance criteria set by the lender include trade entry, current years in residence, self-employment status, credit limit, CLTV. Note that these refer to characteristics of the borrower);

receive data into the computer system data descriptive of a Financial Transaction wherein the data received comprises identification

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data for at least one Gaming Industry entity associated with the Financial Transaction (see Tengel col 5, lines 20-27, note that product type is input);

associate at least one informational artifact related to at least one of: reputational risk, legal risk, regulatory risk; and risk related to monetary costs to defend an adverse position with the at least one Gaming Industry entity associated with the Financial Transaction (see Tengel col 6, lines 46-61, note that weighting factors are assigned, thus creating the association between the financial transaction and the risks); and

generate a report comprising data descriptive of the informational artifacts associated with the at least one Gaming Industry entity associated with the Financial Transaction (see Tengel col 10, lines 14-19, note the loan application, see also Tengel col 10, line 57-col 11, line 10, note the information generated for lenders to know more about the current loan market); and

generate a risk quotient comprising a quantitative value of an amount of Gaming Industry related Risk (i.e. overall weighted score, see Tengel col 6, lines 46-62), wherein calculating the risk quotient criteria comprises a value determined by the steps of:

associating a numerical weight with each of a plurality of risk variables; associating one or more of the risk variables with the data descriptive of details of a Financial Transaction (see Tengel col 6, lines 46-61, note that weighting factors are assigned);

determining a numerical value based upon the content of the data descriptive of details of a Financial Transaction associated with the one or more risk variables (see Tengel col 6, lines 46-61 note the calculation of the overall weighted score); and

multiplying the numerical value based upon the content by the numerical weight associated with each of the risk variables associated with the data descriptive of details of a Financial Transaction (see Tengel col 6, lines 46-61, note the score is a weighted score).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

14. Claims 6, 8, 10, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel in view of Berns and in further view of Casino Gambling in New Jersey, a report by the NJCCC, published January 1998 (NJCCC)

With respect to claim 6

Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above), but does not explicitly teach wherein the risk quotient comprises an indication of an amount of regulatory risk.

NJCCC teaches:

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wherein the risk quotient comprises an indication of an amount of regulatory risk (see pg 8, note that the Casino Control Commission has the authority to deny, revoke, suspend, or limit required licenses)

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Tengal with the regulatory teaching of Berns in order to have considered a risk that would be fundamental to a Casino's ability to repay a loan as taught implicitly by NJCCC since the power to revoke a required license includes with it the ability to cut-off a major source of Casino revenue that would otherwise have been instrumental in meeting loan obligations.

With respect to claim 8

Tengal in view of Berns and NJCCC teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the risk quotient comprises an indication of an amount of risk associated with monetary costs related to potential fines (see NJCCC pg 30, note that fines are collected by the commission).

(See rationale supporting obviousness and motivation to combine of claim 6 above)

With respect to claim 10

Tengal in view of Berns and NJCCC teaches:

The method of claim 1 (see rejection of claim 1 above) wherein the data descriptive of informational artifacts comprises at least one government advisory (see NJCCC pg 8, note that the commission may promulgate regulations).

(See rationale supporting obviousness and motivation to combine of claim 6 above)

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With respect to claim 12

Tengel in view of Berns and NJCCC teaches:

The method of claim 1 (see rejection of claim 1 above additionally comprising the steps of presenting the report as evidence of due diligence to at least one of: a regulatory body, a shareholder and a news media (see NJCCC pg 9-11, note that service providers must show evidence of business ability, presentation of the application or report demonstrates such an ability and is evidence of due diligence).

(See rationale supporting obviousness and motivation to combine of claim 6 above)

With respect to claim 15

Tengel in view of Berns and NJCCC teaches:

The method of claim 1 wherein the data descriptive of informational artifacts comprises data descriptive of at least a portion of one or more of: a federal or state statute a federal or state regulation, the Federal Register, instances of political corruption; a license to permit gambling; a link to organized crime; a money; and an action taken by the Judiciary Committee (see NJCCC, pg 8-11)

(see rationale supporting obviousness and motivation to combine of claim 1 above)

15. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal in view of Berns and in further view of Capitol Briefs, Arizona Daily Star, Feb 5, 1997, pg 3.B. (Briefs)

With respect to claim 16

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Tengel in view of Berns teaches:

The method of claim 1 (see rejection of claim 1 above), but does not explicitly teach wherein the data descriptive of informational artifacts comprises data descriptive of at least a portion of one or more of: an action taken by the House Government Reform Committee, an action taken by the Senate Governmental Affairs Committee, an action taken by the Senate Select Indian Affairs Committee; an action taken by the U.S. Treasury; and an action taken by the General Accounting Office.

Briefs teaches:

wherein the data descriptive of informational artifacts comprises data descriptive of at least a portion of one or more of: an action taken by the House Government Reform Committee, an action taken by the Senate Governmental Affairs Committee, an action taken by the Senate Select Indian Affairs Committee; an action taken by the U.S. Treasury; and an action taken by the General Accounting Office (see pg 2, note that the House Government Reform Committee is instrumental in making changes material to the Gaming Industry).

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Tengal with the regulatory teaching of Briefs in order to have considered a risk that would be fundamental to a Casino's ability to repay a loan as taught implicitly by Briefs since the power to change the gambling age would materially effect the ability of a member of the Faming Industry to meet loan obligations.

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16. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal in view of Berns and in further view of FTC Settles with Debt Collection Agency, Credit Risk Management Reporter, Sep 5, 2000, vol 10, Iss 17, pg 1 (FTC)

With respect to claim 17

Tengal in view of Berns teaches:

The method of claim 1 but does not explicitly teach wherein transmitting the report is conditioned upon receipt of a contractual obligation not to use contents of the report for any purpose covered by the Fair Credit Reporting Act.

FTC teaches:

wherein transmitting the report is conditioned upon receipt of a contractual obligation not to use contents of the report for any purpose covered by the Fair Credit Reporting Act (see pg 1, note the fines for violations of the Fair Credit Reporting Act).

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Tengal with the insight related to the fines taught by FTC in order have avoided invoking the FCRA and thus making putting one at risk for large fines for violations as taught implicitly by FTC.

17. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal in view of Berns and in further view of Official Notice.

With respect to claim 29

Tengal in view of Berns teaches:

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The method of claim 28 (see rejection of claim 28 above) but does not explicitly teach wherein enhancing the data comprises scrubbing the data to incorporate changes in the spelling of words comprising the data descriptive of informational artifacts as compared to the data descriptive of details of a Financial Transaction.

Examiner takes Official Notice that it was old and well known in the art at the time of Applicant's invention to have automatically validated and corrected electronic submissions, for example, so that they conform to the standard identifiers used so that correct matches can be found.

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Tengel with the validation and correction features of Official Notice in order to have more accurately made matches between the criterion entered by lenders and those reported by borrowers in the course of determining the best loans.

Inquiry

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/
Primary Examiner, Art Unit 3694